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VIA ECF AND EMAIL

The Honorable Katherine Polk Failla
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF – Letter Motion to Extend Defendant Philip G. Potter’s Deadline to File Redacted Opposition Brief*

Dear Judge Failla:

I write on behalf of Defendant Philip G. Potter (“Mr. Potter”) in the above-referenced action to respectfully request an extension to file the redacted version of Mr. Potter’s Opposition to Plaintiffs’ Motion for Leave to Amend (the “Opposition Brief”).

As Your Honor will recall, on December 8, 2023, Mr. Potter filed, under seal, his Opposition Brief pursuant to Rule 9 of Your Honor’s Individual Rules of Practice in Civil Cases. ECF Nos. 502 & 503. Within Mr. Potter’s Letter Motion to Seal his Opposition Brief (the “Letter Motion to Seal”), Mr. Potter respectfully requested leave to file a redacted version of his Opposition Brief by December 22, 2023. ECF No. 502. The redacted version of the Opposition Brief would reflect any redactions made to Plaintiffs’ Second Amended Consolidated Complaint (the “SAC”), which had been filed under seal. ECF No. 480-1. As of the submission of this letter motion, Plaintiffs have yet to file redacted versions of the SAC or their Motion for Leave to Amend.

On December 18, 2023, Your Honor granted Mr. Potter’s Letter Motion to Seal. ECF No. 509. That same day, the Court denied, without prejudice, the Plaintiffs’ Motion for Leave to File Redacted Versions of the SAC and Motion for Leave to Amend, ECF No. 511, ordering the parties to meet and confer with the Anonymous Trader regarding the Anonymous Trader’s proposed redactions to those documents.

Accordingly, in light of the Court’s rulings, Mr. Potter respectfully requests leave to file the redacted version of his Opposition Brief shortly after Plaintiffs file the redacted version of the SAC to the docket.

Respectfully submitted,

/s/ Charles D. Cording

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